THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO.15930 OF 2006

Dated:02-08-2006

Between:
Kukka Vemulamma Petitioner

And

State of Andhra Pradesh rep. by its Election Commissioner,Hyderabad, and others.

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO.15930 OF 2006

ORDER:

1. The ground raised is that the acceptance of nomination of 6th respondent despite the conviction and sentence imposed in C.C. No.188 of 2002 on the file of J.F.C.M, Sullurpet cannot be sustained. It is also stated that those specific objections had been taken and the copy of the judgment had been enclosed. Despite the same, the Returning Officer had accepted the nomination of R.6. No doubt, when the judgment of Criminal Court is there, the Returning Officer is expected to verify and take appropriate decision in this regard. However, in view of the facts and circumstances, at this stage, this court cannot interfere.

2. The writ petition is filed for a Writ of Mandamus declaring the action on the part of the 5th respondent in accepting the nomination of the 6th respondent for the post of Sarpanch, Pellakur Gram Panchayat, Pellakur Mandal, Nellore District without considering the objections made by the petitioner and also the inaction on the part of the respondents 2 and 3 in considering the appeal made by the petitioner and other villagers dated 22.7.2006 and 19.7.2006 amounts to erroneous, arbitrary and violative of Article 14,21,243 (O) and 243 (K) of Constitution of India, besides being the provisions contemplated under Section 11 of A.P.Gram Panchayat Act and Rules made there under and also the provisions contemplated under Representation of Peoples Act and consequently direct the respondents to disqualify the 6th respondent for contesting for the Post of Sarpanch of Pellakur

Gram Panchayat, Nellore District, which is scheduled to be fixed on 6.8.2006 and pass such other suitable orders.

3. Inasmuch as, the petitioner is having a remedy by way of election petition, the writ petition is disposed of giving liberty to the petitioner to approach the appropriate election tribunal if the petitioner is so advised. No order as to costs.

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02-08-2006

Stp